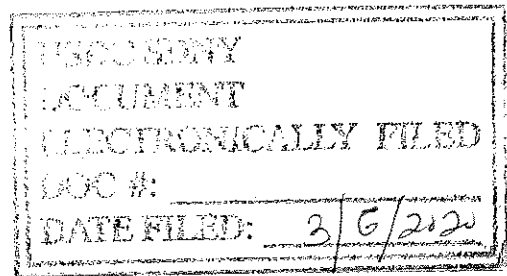


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
: 19cv1862 (DLC)  
JOSE JAVIER FERNANDEZ, ELVIO TORIBIO, :  
and ARIEL OVALLES, : ORDER  
:   
Plaintiffs, :   
-v- :   
:   
THE CITY OF NEW YORK, NEW YORK CITY :   
POLICE DEPARTMENT, JAMES P. O'NEILL, :   
Commissioner of the New York City :   
Police Department, POLICE OFFICER :   
JOSE CEPEDA, Shield #19206, SGT. :   
AMADEO OKTROVA, Shield #26126, and :   
NEW YORK CITY POLICE OFFICERS JOHN :   
DOES (names and shield numbers of whom :   
are presently unknown) and other :   
unidentified members of THE NEW YORK :   
CITY POLICE DPEARMENT, :   
Defendants. :   
----- X



DENISE COTE, District Judge:

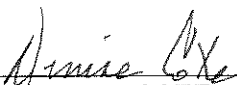
Having reviewed the defendants' letter of March 6, 2020, it is hereby

ORDERED that any opposition to defendants' motion to dismiss the claims of plaintiffs Elvio Toribio and Ariel Ovalles is due **March 13, 2020**. See Funk v. Belneftekhim, 861 F.3d 354, 366 (2d Cir. 2017) ("In imposing Rule 37 sanctions . . . courts properly consider various factors, including (1) the willfulness of the non-compliant party or the reason for noncompliance; (2) the efficacy of lesser sanctions; (3) the duration of the period of noncompliance; and (4) whether the non-compliant party had

been warned of the consequences of noncompliance." (citation omitted)).

IT IS FURTHER ORDERED that any motion for summary judgment remains due **March 20**.

Dated: New York, New York  
March 6, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge